

Honorable Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS EDWARD DESKINS,)	
)	
Plaintiff,)	No. C08-5127 RBL
)	
v.)	PLAINTIFF'S UNOPPOSED MOTION TO
)	FILE AN OVERLENGTH BRIEF IN
CITY OF BREMERTON, et al.,)	RESPONSE TO THE BREMERTON
)	DEFENDANTS' MOTION FOR
Defendants)	SUMMARY JUDGMENT, AND ORDER
)	
_____)	Noted for Consideration: March 31, 2009

COMES NOW the plaintiff, Thomas Edward Deskins, by and through his attorney, John R. Muenster, and moves this Honorable Court for an order granting plaintiff leave to file an overlength brief in opposition to the Bremerton defendants' motion for summary judgment, due to the number of issues which needed to be addressed.

In support of this motion, the following is shown:

PLAINTIFF'S MOTION TO FILE
OVERLENGTH BRIEF - 1

MUENSTER & KOENIG
JOHN R. MUENSTER, INC., P.S.
1111 THIRD AVE., SUITE 2220
SEATTLE, WASHINGTON 98101
(206)467-7500
FAX: (206)467-0101

1 (1) Undersigned counsel contacted counsel for the Bremerton defendants, Mark Koontz,
2 via e-mail on Tuesday, March 31st, about this motion. Mr. Koontz advised the undersigned that he did
3 not oppose the motion.

4 (2) Plaintiff's response has been prepared and will be filed today.

5 (3) The following issues were briefed:

6 (a) Mr. Deskins was arrested when the police drew their guns and aimed their guns
7 at him;

8 (b) The defendants lacked grounds to arrest Mr. Deskins under RCW 46.61.021;

9 (c) The defendants did not have probable cause to arrest Mr. Deskins for
10 obstructing;

11 (d) Analysis of the use of force principles of analysis under *Graham v. Connor*;

12 (e) The defendants used excessive force by pointing their firearms at Mr. Deskins;

13 (f) Officer Mayfield's use of the taser constituted excessive force;

14 (g) The defendants are not entitled to qualified immunity;

15 (h) The constitutional rights at issue were clearly established.

16 (i) The assault and battery claim should not be dismissed;

17 (j) The false arrest claim should not be dismissed.

1 Based on the foregoing, undersigned counsel requests that the Court enter the attached
2 proposed order granting permission to file the overlength brief in response to the Bremerton
3 defendants' motion for summary judgment.

4 DATED this the 31st day of March, 2009.

5 Respectfully submitted,

6 MUENSTER & KOENIG

7 By: S/John R. Muenster

8 JOHN R. MUENSTER
9 WSBA No. 6237
10 Attorney at Law
Of Attorneys for Plaintiff Thomas Edward Deskins

11 *ORDER*

12 The Court has reviewed plaintiff's unopposed motion to file an overlength brief in response
13 to the Bremerton defendants' motion for summary judgment. The Court finds that the requested relief
14 is appropriate. Accordingly,

15 IT IS HEREBY ORDERED that plaintiff's motion to file an overlength brief in response to
16 the Bremerton defendants' motion for summary judgment be, and the same hereby is, granted; and

17 IT IS FURTHER ORDERED that the overlength brief shall be filed when received this date.

18 DATED this 1st day of April, 2009.

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20 
21 RONALD B. LEIGHTON
22 UNITED STATES DISTRICT JUDGE
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1 Presented by:

2 MUENSTER & KOENIG

3 By: S/John R. Muenster

4 John R. Muenster

5 Attorney at Law

6 WSBA No. 6237

Of Attorneys for Plaintiff Thomas Edward Deskins

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28 PLAINTIFF'S MOTION TO FILE
OVERLENGTH BRIEF - 4

MUENSTER & KOENIG
JOHN R. MUENSTER, INC., P.S.
1111 THIRD AVE., SUITE 2220
SEATTLE, WASHINGTON 98101
(206)467-7500
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